

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No.: 1:23-cv-20700

CONNOR O'KEEFE, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

SEQUOIA CAPITAL OPERATIONS, LLC
et al.,

Defendants.

**JOINT AGREED MOTION FOR REASSIGNMENT / INTRA-DISTRICT
TRANSFER OF RELATED CASE AND FOR STAY OF CASE
DEADLINES AND SUPPORTING MEMORANDUM OF LAW**

Pursuant to the June 5, 2023 Transfer Order (the “Transfer Order”) issued by the United States Judicial Panel on Multidistrict Litigation in *In re: FTX Cryptocurrency Exchange Collapse Litigation*, Case No. 1:23-MD-03076 (“FTX MDL”), Rule 7.2 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, and § 2.15.00 of this Court’s Internal Operating Procedures (“IOP”), Plaintiff Connor O’Keefe and Defendants Altimeter Capital Management, L.P., Armanino LLP, Farmington State Bank d/b/a Moonstone Bank, Fenwick & West LLP, Multicoi Capital Management LLC, Paradigm Operations LP, Prager Metis CPAs, LLC, Ribbit Capital, L.P., Sequoia Capital Operations, LLC, SoftBank Vision Fund (AIV M2) L.P., SVF II Tempest (DE) LLC (together with SoftBank Vision Fund (AIV M2) L.P., “Softbank Defendants”),¹ Thoma Bravo, L.P., and Tiger Global Management, LLC (collectively, the

¹ Counsel to the Softbank Defendants advised that Plaintiff named the incorrect fund in his complaint—according to counsel, SVF II Tempest (DE) LLC, rather than SoftBank Vision Fund

“Parties”), by and through their undersigned counsel, jointly move this Court for an order reassigning and transferring the above-captioned case intra-district to the Honorable Michael K. Moore, who is now presiding over the related FTX MDL.² The grounds for this motion are set forth in the following memorandum of law.

MEMORANDUM OF LAW

Plaintiff, on behalf of himself and all others similarly situated, filed this putative Class Action Complaint against Defendants on February 22, 2023. (ECF No. 1).

On March 1, 2023, this matter was named in a Notice of Potential Tag-Along Actions filed before the United States Judicial Panel on Multidistrict Litigation (“JPML”) in the FTX MDL. *See* FTX MDL, D.E. #8. On June 5, 2023, the JPML issued the Transfer Order, transferring eight (8) FTX-related lawsuits arising out of Mr. Bankman-Fried’s alleged fraud and FTX’s subsequent collapse pending before various other federal district courts to Judge Moore in this district for coordinated or consolidated pretrial proceedings. *Id.*, D.E. # 138, Exhibit A (identifying transferred cases).³ This Court, through Chief Judge Altonaga, consented to the assignment of the actions to Judge Moore for coordinated or consolidated pretrial proceedings under Section 1407. *Id.*, D.E. # 137.⁴

The JPML also identified the instant case as a potential tag-along action. Transfer Order at 2. However, because JPML Rule 7.2(a) provides that “[p]otential tag-along actions filed in the

(AIV M2) L.P., is the property party. Plaintiff intends to amend his complaint to substitute SVF II Tempest (DE) LLC for Softbank Vision Fund (AIV M2) L.P.

² By filing this Joint Motion, Defendants do not waive any defenses and expressly reserve all rights in connection with the actions pending against them. Additionally, Defendants reserve their rights to contest personal jurisdiction in this Court.

³ A copy of the Transfer Order is submitted herewith as Exhibit 1.

⁴ A copy of the consent order signed by Chief Judge Altonaga is submitted herewith as Exhibit 2.

transferee district do not require Panel action,” the Transfer Order did not formally transfer this action to Judge Moore. Instead, JPML Rule 7.2(a) provides that parties “should request assignment of such actions to the Section 1407 transferee judge in accordance with applicable local rules.”

This Court’s IOP 2.15.00, which is entitled “Transfer of Similar Actions,” provides:

Whenever an action or proceeding is filed in the Court which involves subject matter which is a material part of the subject matter of another action or proceeding then pending before this Court, or for other reasons the disposition thereof would appear to entail the unnecessary duplication of judicial labor if heard by a different Judge, the Judges involved shall determine whether the higher-numbered action or proceeding shall be transferred to the Judge assigned to the lower-numbered action.

As evidenced by Exhibit A to the Transfer Order, the three pending Southern District of Florida cases that were the subject of the Transfer Order—each of which is already assigned to Judge Moore—all bear lower case numbers than the instant case. See *Garrison v. Bankman-Fried*, Case No. 1:22-cv-23753 (S.D. Fla.); *Podalsky v. Bankman-Fried*, Case No. 1:22-cv-23983 (S.D. Fla.); and *Norris v. Brady*, Case No. 1:23-cv-20439 (S.D. Fla.).⁵ And, as the Transfer order recognizes, this matter shares one or more common questions of law and/or fact with those related cases in the FTX MDL, all of which pertain to FTX’s collapse, Mr. Bankman-Fried’s alleged fraud, and claims of various plaintiffs against third parties who are alleged to have facilitated or aided and abetted that alleged fraud.

Consequently, to promote the just and efficient resolution of this matter and convenience of the parties and witnesses, and to avoid unnecessary duplication of judicial labor, the Parties

⁵ The *Garrison* case was filed on November 15, 2022, and was originally assigned to Judge Moore. The *Podalsky* case was filed on December 7, 2022, and was originally assigned to Judge Bloom and then transferred to Judge Moore on December 9, 2022. The *Norris* case was filed on February 3, 2023, and was originally assigned to Judge Altonaga and then transferred to Judge Moore on February 15, 2023.

respectfully request that the Court reassign / transfer this matter to Judge Moore for coordination or consolidation in the FTX MDL currently pending before him.

In addition, it is anticipated that Judge Moore will require the Plaintiffs in the various cases in the FTX MDL to file a consolidated complaint (or consolidated complaints). To avoid duplication of effort, to preserve resources, and to allow appropriate time for the parties to comply with any such orders in the FTX MDL, the Parties also request that the Court stay all pending deadlines—including all deadlines for responding to the complaint—until further order by Judge Moore. A proposed order is submitted herewith as Exhibit 3.

Dated: June 13, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 13, 2023, a true and correct copy of the foregoing has been furnished by electronic filing with the Clerk of the Court via CM/ECF, which will send notice of electronic filing to all counsel of record.

/s/ Timothy A. Kolaya
TIMOTHY A. KOLAYA